

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

22

DECISION

TOPIC Chapter 46, All-terrain Vehicle and Snowmobile Bonding - NOIA

The Commission is requested to approve this notice to rescind Chapter 46, “All-Terrain Vehicle and Snowmobile Bonding” Iowa Administrative Code, and adopt a new Chapter 46, “All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles.”

The proposed new chapter clarifies the procedures for registration, renewal, titling, decal placement and accident reporting for all-terrain vehicles, off-road motorcycles and off-road utility vehicles. Division II of the new chapter establishes minimum standards for all-terrain vehicle dealers as authorized under Iowa Code Chapter 321I.22. Division III provides for the regulations of designated all-terrain vehicle riding areas.

Existing rules in Chapter 46 will be moved to the new Chapter 50 “All-Terrain Vehicle, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobile and Vessel Bonding.”

Robert Garrison, Law Enforcement Bureau Chief
Conservation and Recreation Division
April 8, 2010

Attached: Proposed Chapter 46, All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles

NATURAL RESOURCE COMMISSION[571]
Notice of Intended Action

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to rescind Chapter 46, “All-Terrain Vehicle and Snowmobile Bonding” and adopt a **new** Chapter 46, “All-terrain Vehicles, Off-road Motorcycles and Off-road Utility Vehicles,” Iowa Administrative Code,

The proposed new chapter clarifies the procedures for registration, renewal, titling, decal placement and accident reporting for all-terrain vehicles, off-road motorcycles and off-road utility vehicles. Division II of the new chapter establishes minimum standards for all-terrain vehicle dealers as authorized under Iowa Code Chapter 321I.22. Division III provides for the regulations of designated all-terrain vehicle riding areas.

Rules related to bonding requirements that were formally part of this chapter are proposed to be moved to new Chapter 50, “All-Terrain Vehicles, Off-road Motorcycles, Off-road Utility Vehicles, Snowmobiles and Vessel Bonding.”

Any interested person may make written suggestions or comments on the proposed amendment on or before May 25, 2010. Such written materials should be directed to David Downing, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax

(515)281-6794; or E-mail david.downing@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-3449.

Also, there will be a public hearing on May 25, 2010, at 2 p.m. in the Fifth Floor East Conference Room, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendment.

Any persons who attend the public hearing and have special needs such as those related to hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code Chapter 321I.

The following amendments are proposed.

Rescind 571--Chapter 46 and adopt new 571—Chapter 46 as follows:

CHAPTER 46

ALL-TERRAIN VEHICLES, OFF-ROAD MOTORCYCLES AND OFF-ROAD UTILITY VEHICLES

DIVISION I

REGISTRATION, RENEWAL, TITLING DECAL PLACEMENT AND ACCIDENT REPORTS

571–46.1(321I) Definitions. For purposes of this chapter, the following definitions shall apply:

“A scale” means the physical scale marked “A” graduated in decibels on a sound level meter which meets the requirements of the American National Standards Institute, Incorporated, publication S1.4-1983 General Purpose Sound Level Meters.

“All-terrain vehicle” means a motorized flotation-tire vehicle with not less than three and not more than six low-pressure tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

“Commission” means the natural resource commission established in section 455A.5 of the Iowa Code.

“Department” means the department of natural resources established in section 455A.2 of the Iowa Code.

“Designated riding area” means an off-highway vehicle riding area on any public land or ice under the jurisdiction of the department that has been designated by the commission under this chapter for such use.

“Designated riding trail” means an all-terrain vehicle riding trail on any public land or ice under the jurisdiction of the department that has been designated by the department for all-terrain vehicle use.

“Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. *“Off-road motorcycle”* includes a motorcycle that was originally issued a certificate of title and registered for highway use under Iowa Code chapter 321, but which contains design features that enable operation over natural terrain.

“Off-road utility vehicle” means a motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. A motorized vehicle that was previously titled or is currently titled under Iowa Code chapter 321 shall not be registered or operated as an off-road utility vehicle.

“Operator” means a person who operates or is in actual physical control of a regulated vehicle.

“Owner” means a person, other than a lien-holder, having the property right in or title to an all-terrain vehicle. The term includes a person entitled to the use or possession of an all-terrain vehicle subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation. *“Owner”* excludes a lessee under a lease not intended as security.

“Public land” means land owned by the federal government, the state, or political subdivisions of the state and land acquired or developed for public recreation pursuant to section 321I.8 of the Iowa Code.

“Regulated vehicle” means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually.

“Roadway” means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

571--46.2(321I) Off-road motorcycles.

46.2(1) Off-road motorcycles shall be considered all-terrain vehicles for the purpose of:

- a. Registration requirements of this chapter; and
- b. Titling requirements of this chapter, if a title has not previously been issued under Iowa Code chapter 321.

46.2(2) An operator of an off-road motorcycle is subject to the provisions of Iowa Code chapter 321I and this chapter, except that the operator is exempt from the education instruction and certification program requirements of Iowa Code chapter 321I.

571--46.3(321I) Off-road utility vehicles.

46.3(1) An owner of an off-road utility vehicle operating the off-road utility vehicle on public land or ice, a designated riding area, or a designated riding trail shall register the off-road utility vehicle in accordance with chapter 321I of the Iowa Code and this chapter.

46.3(2) An operator of an off-road utility vehicle is subject to the provisions of section 321.234A and chapter 321I of the Iowa Code and this chapter, except that the operator is exempt from the education instruction and certification program requirements of Iowa Code chapter 321I.

46.3(3) An operator of an off-road utility vehicle shall not operate the vehicle on a designated riding area or designated riding trail unless the department has posted signage indicating the riding area or trail area is open to the operation of off-road utility vehicles.

46.6(4) Off-road utility vehicles are exempt from the dealer registration and dealer titling requirements of Iowa Code chapter 321I and this chapter.

571—46.4(321I) Operation on roadways, highways, streets and trails. A person shall not operate a regulated vehicle upon roadways, highways, streets, or snowmobile trails except as provided in sections 321.234A and 321I.10 of the Iowa Code.

Note: Additional driving and operation limitations are listed in section 321I.14 of the Iowa Code.

571—46.5(321I) Registration for all-terrain vehicles and off-road motorcycles.

46.5(1) General. A person shall not operate, maintain, or give permission for the operation or maintenance of an all-terrain vehicle or off-road motorcycle on public land, designated riding area, designated riding trail or ice unless the all-terrain vehicle or off-road motorcycle:

- a. Is registered in accordance with the requirements of Iowa Code chapter 321I and this chapter;
- b. Displays a current annual user permit decal issued as provided in rule 571--46.6(321I); or
- c. Is exempt from registration pursuant to section 321I.9 of the Iowa Code.

46.5(2) Registration requirements.

a. The owner of each all-terrain vehicle or off-road motorcycle required to be registered shall file an application for registration with the department through a county recorder and pay all applicable fees pursuant to section 321I.4 of the Iowa Code and these rules, except that an all-terrain vehicle dealer shall make application and pay all applicable registration and title fees on behalf of a purchaser of an all-terrain vehicle or off-road motorcycle.

1. Application forms. The applicant shall use DNR Form 542-8067 in making application for registration. In the event the applicant is missing documentation required by DNR Form 542-8067, the owner shall use DNR Form 542-8065 and may be required to secure a bond consistent with the requirements of 571—Chapter 50.

2. Fees. The applicant shall pay the following fees: fifteen dollars for the permit fee; one dollar for the writing fee; and one dollar and fifty cents for the administrative fee. In addition, a county recorder may collect an additional twenty-five cents for the writing fee if the county recorder issues the registration.

b. At such time the department or the county recorder is satisfied with the application and has received the required fees, the department or county recorder shall issue to the applicant a registration certificate and registration decal.

46.5(3) Preregistration grace period.

a. Dealer purchases. An unregistered all-terrain vehicle or off-road motorcycle sold by a dealer to an Iowa resident for use in Iowa shall bear a card including the words “registration applied for” and the date of purchase made of pasteboard or other similar material. Such card shall entitle the purchaser to operate the all-terrain vehicle or off-road motorcycle for forty-five days immediately following the purchase. The purchaser shall place this card on the rear of the all-terrain vehicle and the steering yoke of an off-road motorcycle in a position so as to be clearly visible at all times and maintained in a legible manner. The operator of any all-terrain vehicle or off-road motorcycle displaying a “registration applied for” card described in this rule shall carry and provide upon request to any peace officer a valid bill of sale for the all-terrain vehicle or off-road motorcycle.

b. Nondealer purchases. All-terrain vehicles and off-road motorcycles may be sold by nondealers and the registration grace period depends on the current registration of the vehicle:

1. An all-terrain vehicle or off-road motorcycle that is currently registered in the state of Iowa may be legally operated for thirty days before it is registered under the purchaser’s name.

2. An all-terrain vehicle or off-road motorcycle not currently registered in the state of Iowa shall not be operated until it is titled and registered in the purchaser’s name. Valid registration in another state does not authorize preregistration operation.

46.5(4) Registration – renewals. Every all-terrain vehicle and off-road motorcycle registration certificate and registration decal expires at midnight December 31 of the year issued or at the time specified on the registration decal. Applications for renewal shall be completed pursuant to section 321I.7 of the Iowa Code.

571—46.6(321I) Nonresident user permits.

46.6(1) A nonresident wishing to operate a regulated vehicle, other than such vehicle owned by a resident and registered pursuant to Iowa Code chapter 321I, on public land, designated riding area, designated riding trail, or ice of this state must first obtain a user permit from the department.

46.6(2) The department, a county recorder or license agent designated by the director may issue nonresident user permits. The applicant shall pay the following fees for a use permit: fifteen dollars for the permit fee; one dollar for a writing fee; and one dollar and fifty cents for an administrative fee. In the event the county recorder issues such a permit, the county recorder may charge an additional twenty-five cents for the writing fee over what is described in subrule 46.6(1).

46.6(3) A user permit issued under this section shall be valid for the calendar year or time period specified in the permit and be limited to the vehicle specified at the time of application.

46.6(4) Nonresident user permits are issued to a vehicle and are not transferrable.

571—46.7(321I) Display of registration and user permit decals. The owner shall display the registration decal or nonresident user permit decal as follows:

46.7(1) All-terrain vehicle. The decal shall be affixed to the rear of the all-terrain vehicle so that the decal is clearly visible.

46.7(2) Off-road motorcycle. The decal shall be affixed to the steering yoke in such a manner that the decal does not cover up the vehicle identification number and is clearly visible.

46.7(3) Off-road utility vehicle. The decal shall be affixed to the rear of the vehicle so that the decal is clearly visible.

571—46.8(321I) Registration certificate.

46.8(1) An operator of a regulated vehicle shall carry the registration certificate either in such vehicle or on the person of the operator when the regulated vehicle is in use.

46.8(2) The operator of a regulated vehicle shall exhibit the registration certificate to all of the following:

- a. To a peace officer or department personnel upon request;
- b. To a person injured in an accident involving the regulated vehicle, or that person's agent;
- c. To the owner or operator of another regulated vehicle when the regulated vehicle is involved in a collision or accident of any nature with the other regulated vehicle, or that person's agent;
- d. To the owner of personal or real property when the regulated vehicle is involved in a collision or accident of any nature with the property of the other person, or that person's agent; and
- e. To the property owner or tenant when the regulated vehicle is being operated on private property without permission from the property owner or tenant, or that person's agent.

571—46.9(321I) Owner's certificate of title.

46.9(1) The owner of an all-terrain vehicle or off-road motorcycle acquired on or after January 1, 2000, other than an all-terrain vehicle used exclusively as a farm implement or off-road motorcycle previously issued a title pursuant to chapter 321 of the Iowa Code, shall apply to the county recorder of the county in which the owner resides for a certificate of title for the all-terrain vehicle or off-road motorcycle. The owner shall make application within thirty days after acquisition of the all-terrain vehicle or off-road motorcycle, using DNR Form 542-8067, and shall include the required fees set out in Iowa Code section 321I.32.

46.9(2) A certificate of title issued by the county recorder shall be on DNR Form 542-0974.

571—46.10 (321I) Procedures for application and for issuance of a vehicle identification number (VIN) for homebuilt regulated vehicles.

46.10(1) A person other than a manufacturer who constructs or rebuilds a regulated vehicle for which there is no legible VIN may make application to the department on DNR Form 542-8065 for the issuance of a new VIN. The application process shall include an inspection of the regulated vehicle by the department. If the application is approved, the VIN shall be affixed to the vehicle by a conservation officer. The completed application shall then be surrendered to the county recorder.

46.10(2) The conservation officer shall permanently affix the VIN as follows:

- a. All-terrain vehicle. The VIN shall be affixed to the frame under the seat.
- b. Off-road motorcycle. The VIN shall be affixed to the steering yoke.
- c. Off-road utility vehicle. The VIN shall be affixed to the frame under the seat.

571—46.11 (321I) Accident report.

46.11(1) Whenever any regulated vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to \$1,000 or more, the operator or someone acting for the operator shall immediately notify the county sheriff or another law enforcement agency in the state.

46.11(2) If the accident occurred on public land, designated riding area, designated riding trail, or ice under the jurisdiction of the commission, the operator shall file a report of the accident with the department within 72 hours. The report shall be on DNR Form 542-8093, Off-Highway Vehicle Incident Report Form.

46.11(3) Accidents other than those specified in 46.11(2) shall be reported as required in section 321.266 of the Iowa Code.

571–46.12(321I) Sound level limitation.

46.12(1) No person shall operate an all-terrain vehicle or off-road motorcycle that is constructed or altered in a manner that noise emitted from the all-terrain vehicle or off-road motorcycle exceeds 96 decibels on the A scale when measured in the manner prescribed in the revised 2008-05, Society of Automotive Engineers Standard J1287, titled “Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles.”

46.12(2) The Society of Automotive Engineers Standard J1287 titled “Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles” is available for inspection at the following locations:

- a. The Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319.
- b. State Law Library, Capitol Building, 1007 East Grand Ave., Des Moines, Iowa 50319.

571–46.13(321I) to 571--46.20(321I) Reserved.

DIVISION II

ALL-TERRAIN VEHICLE DEALERS

571–46.21(321I) Purpose. The rules in this division apply to registered all-terrain vehicle dealers, manufacturers, and distributors. These rules establish minimal standards for all-terrain vehicle dealers as authorized under section 321I.22 of the Iowa Code.

571–46.22(321I) Definitions. For purposes of this division, the following definitions shall apply:

“*Consumer use*” means use of an all-terrain vehicle for business or pleasure, not for sale at retail, by a person who has obtained a certificate of title and has registered the vehicle in conformance with Iowa Code chapter 321I.

“*Dealer*” means a person engaged in the business of buying, selling, or exchanging all-terrain vehicles required to be registered under Iowa Code chapter 321I and this chapter and who has an established place of business for that purpose in this state.

“*Designated location*” means the primary place of business of the dealer or a building actually occupied by a dealer where the public and the department may contact the dealer during regular business hours.

“*Distributor*” means a person, resident or nonresident, who sells or distributes all-terrain vehicles to all-terrain vehicle dealers in this state or who maintains distributor representatives.

“*Engaged in the business*” or similar wording means doing any of the following acts for the purpose of selling all-terrain vehicles at retail: acquiring, selling, exchanging, holding, offering, displaying, brokering, accept on consignment or conduct a retail auction, or to act as an agent for the purpose of doing any of these acts. A person selling at retail more than five all-terrain vehicles during a 12-month period may be presumed to be engaged in the business.

“*Established place of business*” means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where the books and records are kept and the dealer’s or manufacturer’s business is primarily transacted.

“*Manufacturer*” means a person engaged in the business of constructing or assembling all-terrain vehicles required to be registered under Iowa Code chapter 321I and this chapter and who has an established place of business for that purpose in this state.

“*Manufacturer’s certificate of origin*” means a certification signed by the manufacturer, distributor or importer that the all-terrain vehicle described has been transferred to the person or dealer named, and that the transfer is the first transfer of the vehicle in ordinary trade and commerce. A “*manufacturer’s certificate of origin*” may also be referred to as a manufacturer’s statement of origin.

571–46.23(321I) Dealer’s established place of business. A dealer’s established place of business shall include telephone service and an adequate office area for keeping business records, manufacturers’ certificates of origin, certificates of title or other evidence of ownership for all all-terrain vehicles offered for sale.

571–46.24(321I) Zoning. Dealers licensed under these rules must comply with applicable local zoning ordinances. Upon request by the department, a dealer shall provide to the department written evidence, issued by the office responsible for the enforcement of zoning ordinances in the city or county where the dealer’s established place of business is located, that the dealer’s established place of business complies with all applicable zoning provisions.

571–46.25(321I) Sales tax permit. A dealer shall provide to the department written evidence that the dealer has obtained a sales tax permit issued by the department of revenue and finance.

571—46.26(321I) Special registration certificates for manufacturers, distributors, and dealers.

46.26(1) A manufacturer, distributor, or dealer owning an all-terrain vehicle required to be registered under Iowa Code chapter 321I and this chapter may operate the unregistered all-terrain vehicle for purposes of transporting, testing, demonstrating, or selling it if both of the following requirements are met:

a. The manufacturer, distributor, or dealer obtains from the department a special registration certificate containing a general identification number in accordance with section 321I.22 of the Iowa Code. An application for a special registration certificate shall be submitted on DNR Form 542-0846; and

b. The manufacturer, distributor, or dealer has the assigned identification number printed upon or attached to a removable sign which is temporarily but firmly attached to the all-terrain vehicle being used.

46.26(2) If a manufacturer, distributor, or dealer has an established place of business in more than one location, the manufacturer, distributor, or dealer shall obtain from the department a separate and distinct special registration certificate and general identification number for each place of business.

46.26(3) Duplicate special registration certificates may be obtained pursuant to the conditions set forth in Iowa Code section 321I.22.

571–46.27(321I) Information provided to purchaser. At the time of sale, a dealer shall provide all purchasers of all-terrain vehicles with both (1) a copy of current all-terrain vehicle laws and regulations governing the usage of all-terrain vehicles in the state of Iowa and (2) the most-up-to-date list of public places open for all-terrain vehicle usage. The department shall provide this required information on its website, www.iowadnr.gov. Information provided on the department’s website shall be deemed current and the most up-to-date information for purposes of this rule.

571–46.28(321I) Right of inspection. The department or any peace officer has the authority to inspect the following at any dealer location: (1) all-terrain vehicles or component parts of vehicles, (2) business records, and (3) manufacturers’ certificates of origin, certificates of title and other evidence of ownership for all-terrain vehicles offered for sale. The department has the right at any time to verify compliance of a dealer registered under Iowa Code chapter 321I with all statutory and regulatory requirements.

571–46.29(321I) Denial or revocation. The department may deny a dealer application or revoke a dealer registration certificate if the director determines the applicant or dealer has violated any section of this chapter or Iowa Code chapter 321I or continuation of the permit is not in the public interest. Such denial or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the denial or revocation, and the reasons for the action. Within 30 days following receipt of the notice of a revocation or denial, the applicant or dealer, whichever is applicable, may file a notice of

appeal, requesting a contested case pursuant to 561—Chapter 7. The notice of appeal shall specify the basis for requesting that the permit be issued or reinstated.

571—46.30(321I) to 571--46.50(321I) Reserved.

DIVISION III

REGULATION OF DESIGNATED RIDING AREAS

571—46.51(321I) Definitions. In addition to the definitions in Division I of this chapter, the following definitions shall apply:

“Direct supervision” means to provide supervision of another person while maintaining visual and verbal contact at all times.

“Operate” means to ride in or on, other than as a passenger, use, or control the operation of a regulated vehicle in any manner, whether or not the regulated vehicle is moving.

“Local sponsor” means the entity that owns the designated riding area or is otherwise responsible for the day-to-day operations of the designated riding area. A local sponsor may or may not be a unit of government.

“Regulated vehicle” means all-terrain vehicles, off-road motorcycles, and off-road utility vehicles, either collectively or individually.

571—46.52(321I) Designated riding areas.

46.52(1) Designated riding areas shall be considered to be public land, available and open to the public to use and enjoy consistent with these rules.

46.52(2) The following areas are hereby established as designated riding areas:

- a. Bluff Creek OHV Park, Mahaska County.
- b. Lakeview OHV Park, Johnson County.
- c. Gypsum City OHV Park, Webster County.
- d. Nicholson-Ford OHV Park, Marshall County.
- e. Rathbun OHV Park, Appanoose County.
- f. River Valley OHV Park, Pottawattamie County.
- g. Riverview OHV Park, Black Hawk County.
- h. Tama County OHV Park, Tama County.

46.52(3) A local sponsor may request that the commission adopt its riding area as a designated riding area by contacting the chief of the department’s law enforcement bureau in writing and providing information, as requested by the department, that demonstrates that its proposed designated riding area meets the minimum qualifications described in this rule. All studies or surveys required by these rules shall be at the local sponsor’s expense. The department may require additional surveys or studies and conduct an on-site evaluation for each proposed designated riding area to determine whether the department should recommend that the commission adopt the proposed area as a designated riding area. The commission may adopt additional designated riding areas that meet the following minimum qualifications:

a. The site and plan for development and management is suitable for off-highway vehicle recreation. The department shall give greater consideration to sites that were previously disturbed areas, such as agricultural lands, mining operations, road surfaces or other intensive land uses that have resulted in the elimination of high-quality natural areas, native plant communities, critical habitats and cultural resources. Soil survey reports for the trail portions of the proposed designated riding area shall indicate the general soil classification of the trail areas and must indicate that those soils are of moderate risk or less for path or trail development.

b. There is demand for the proposed designated riding area. Consideration shall be given to nearby populations, distance to other OHV facilities, partnership possibilities and local support.

c. The local sponsor demonstrates a willingness and ability to maintain the proposed designated riding area consistent with these rules.

d. Evidence that adjacent property owners, including those within the viewshed and within earshot of the proposed designated riding area, that exist at the time of establishment, have been notified of the plan and do not disapprove of the plan or have otherwise had their concerns satisfactorily addressed.

e. The proposed development and management of the proposed designated riding area comply with local, state or federal laws, including without limitation zoning ordinances and accommodation laws.

f. Identification of any federal- or state-listed threatened or endangered species and a plan for how the development and management of the proposed designated riding area would not negatively impact them.

g. Identification of any cultural, historical or high-quality natural resources on the site and a plan for how the development and management of the proposed designated riding area would not negatively impact them. High-quality areas would include those areas of high-quality native plant communities, highly restorable native plant communities or other areas which provide critical wildlife habitat. In addition, if a site contains fragments of high-quality areas, but has been determined by the commission as suitable for use as a designated riding area, the local sponsor shall include in the plan how it will protect and enhance those fragments.

46.52(4) Designated riding areas approved by the commission shall be subject to these rules and shall be managed according to the plan approved by the commission. Major modifications to the plans, including expansions, must be approved by the commission for the designated riding area to continue to be a recognized designated riding area under these rules.

571—46.53(321I) Department law enforcement at designated riding areas. A local sponsor may request the department to provide law enforcement and other management assistance and oversight at the designated riding area, including adjacent parking and unloading areas, and camping areas if applicable. The department, in its sole discretion, may provide such law enforcement and other management assistance and oversight it deems appropriate, provided that the local sponsor and the department shall enter into a written agreement describing what role and responsibilities department personnel shall have at the park and affording the department the right to terminate such agreement at any time, for any reason.

571—46.54(321I) General rules for vehicle operation in designated riding areas. Operation on designated riding areas is limited to regulated vehicles as defined in this chapter and as described below:

46.54(1) Allowable vehicles. Persons shall operate only the vehicles allowed at a designated riding area which are signed as open for the specified vehicle.

46.54(2) Compliance with signs. Persons at designated riding areas shall comply with all signs erected and maintained by the local sponsor or the department consistent with its relationship to the local sponsor under rule 571--46.53(321I).

46.54(3) Hours of operation. Designated riding areas shall be open from sunrise to sunset, unless signed by the local sponsor, or the department consistent with its relationship to the local sponsor under rule 571--46.53(321I), as open for operation during other hours as approved by the department. As there may be instances when operating regulated vehicles in dark conditions may be permissible, persons operating regulated vehicles between sunset and sunrise, or in otherwise dark conditions, in designated riding areas must equip their regulated vehicles with a headlight and a taillight and use such lights.

46.54(4) Registration required. A person shall not operate, maintain, or give permission for the operation or maintenance of a regulated vehicle in a designated riding area unless the regulated vehicle is registered and such registration is displayed in accordance with Iowa Code Chapter 321I and these rules. This requirement includes nonresidents operating regulated vehicles in a designated riding area who are required to have nonresident user permits for their regulated vehicles.

46.54(5) Safety equipment required. All operators shall wear a helmet while operating a regulated vehicle on a designated riding area, including parking and unloading areas. The local sponsor, or the

department consistent with its relationship to the local sponsor under rule 571--46.53(321I), may post signs that require operators to wear additional safety gear depending on conditions.

46.54(6) Working brakes. Every regulated vehicle operated in a designated riding area, including parking and unloading areas, shall be equipped with working brakes.

46.54(7) Minors; supervision. A person under twelve years of age shall not operate an all-terrain vehicle or an off-road motorcycle on a designated riding area unless one of the following applies:

a. The person is taking a prescribed education training course and the operation is under the direct supervision of a certified education instructor.

b. The operation is under the direct supervision of a responsible parent or guardian of at least eighteen years of age who is experienced in all-terrain vehicle or off-road motorcycle operation and who possesses a valid driver's license as defined in section 321.1 of the Iowa Code.

571—46.55(8) Off-highway vehicle. A person may not operate an off-highway vehicle in a designated riding area without possession of a valid driver's license as defined in section 321.1 of the Iowa Code.

571—46.56(321I) Unauthorized vehicles. The local sponsor, or the department consistent with its relationship to the local sponsor under rule 571--46.53(321I), may tow unauthorized vehicles, including hauling equipment. Towing shall be at the owner's expense.

571—46.57(321I) Parking and unloading areas. All vehicles, other than regulated vehicles, and trailers shall be parked in designated parking areas and no such vehicles, other than regulated vehicles, shall be left unattended in any park drive access point, unloading area, road or highway, except in the case of an emergency.

571—46.58 (321I) Operation with passengers.

46.58(1) Persons shall not operate regulated vehicles on designated riding areas with a passenger unless the regulated vehicle is designed and constructed according to the manufacturer's specifications to carry a passenger. Passengers shall not ride on regulated vehicles that have been modified from the manufacturer's original design and construction to carry a passenger.

46.58(2) Persons operating a regulated vehicle in a designated riding area with a passenger must be a licensed driver, as defined under section 321.1 of the Iowa Code.

46.58(3) The number of passengers on regulated vehicles in a designated riding area shall not exceed the manufacturer's capacity recommendation and shall not exceed the number of passenger restraints originally installed by the manufacturer.

46.58(4) A passenger on an all-terrain vehicle or off-road motorcycle must be seated behind the operator and have the physical ability to securely hold on to the operator or passenger handles.

46.58(5) Passengers on an off-road utility vehicle must be able to place both feet flat on the floor boards with their backs resting against the seat back.

571—46.59(321I) Off-road utility vehicle requirements. The following additional restrictions apply to the operation of off-road utility vehicle operation in designated riding areas signed open to such use:

46.59(1) Driver's license required. A person may not operate an off-road utility vehicle in a designated riding area without possession of a valid driver's license as defined in section 321.1 of the Iowa Code.

46.59(2) Vehicles may not be self-constructed or substantially modified from the manufacturer's specifications in the sole opinion of the director or the director's designee.

46.59(3) Vehicles must be equipped with a roll-over protection system (ROPS) installed by the manufacturer.

46.59(4) Vehicles must be equipped with manufacturer seat belts and they must be in good working order. The operator and all passengers must wear seat belts at all times the vehicle is in motion.

46.59(5) The operator and all passengers must keep their hands, arms, legs, and feet inside the vehicle at all times the vehicle is in motion.

46.59(6) The vehicle must be no wider than 60 inches.

571—46.60(321I) Youth operational areas. The local sponsor, or the department consistent with its relationship to the local sponsor under rule 571--46.53(321I), may establish areas for youth all-terrain vehicle and off-road motorcycle operation on designated riding areas. The local sponsor or department may restrict the age of the operator, size of the all-terrain vehicle or off-road motorcycle by engine displacement, or both, and shall post such restrictions.

571—46.61(321I) Unlawful operation. A person shall not operate a regulated vehicle in any of the following instances:

46.61(1) At a rate of speed greater than reasonable or proper under all existing circumstances or what is posted, whichever is less. In no event shall a person operate any vehicle in a parking area of or adjacent to a designated riding area in excess of 5 miles per hour.

46.61(2) In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

46.61(3) While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

46.61(4) Without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

46.61(5) Off established or marked trails or in prohibited areas.

46.61(6) In violation of official signs posted by the local sponsor or by the department consistent with its relationship to the local sponsor under rule 571--46.32(321I).

46.61(7) If that person's license to operate a motor vehicle is under suspension, revocation, bar, disqualification, cancellation or denial by this state or any other state.

571—46.62(321I) Alcohol prohibited. Persons shall not consume or possess alcohol in designated riding areas, except that the consumption and possession of alcohol shall be permitted at designated camping areas.

571—46.63(321I) Pets. Pets shall not be permitted outside of the parking and camping areas, if any, of designated riding areas.

571—46.64(321I) Camping. Camping shall not be permitted in designated riding areas outside of areas specifically designed for and identified by the local sponsor, or the department consistent with its relationship to the local sponsor under rule 571--46.53(321I), for such use. In such instances, camping rules shall be posted in such areas.

These rules are intended to implement Iowa Code chapter 321I.

DATE

Richard A. Leopold, Director